

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Daniel Lambright, et al. :
Serial No.: 10/791,216 : Examiner: Nguyen, Hiep T.
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I hereby certify that the foregoing document is being deposited with the United States Postal Service, postage prepaid, first class mail, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 15, 2004.


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TERMINAL DISCLAIMER

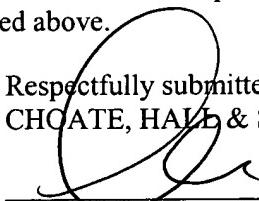
Commissioner for Patents
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Alexandria, VA 22313-1450

Sir:

Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on the above-captioned application, which would extend beyond the expiration date of U.S. Patent No. 6,728,836 filed on March 24, 2000. Petitioner hereby agrees that any patent so granted on the above-captioned application shall be enforceable only for and during such period that it and U.S. Patent No. 6,728,836 are commonly owned. This agreement runs with any patent granted on the above-captioned application and is binding upon the grantee, its successors, or assigns. The Petitioner is the sole assignee of the entire interest in the above-captioned application. The sole assignee, EMC Corporation, is owner of record of the entire right, title, and interest in the above-captioned U.S. patent application by virtue of an Assignment Recorded on March 24, 2000 at Reel 010721 and Frame 0886.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,728,836 in the event that U.S. Patent No. 6,728,836 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term, except for the separation of legal title stated above.

Respectfully submitted,
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Date: December 15, 2004

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